

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLICATION NO.2217 OF 1998

WITH

MISC. CIVIL APPLICATION NO.2218 OF 1998

AND

MISC. CIVIL APPLICATION NO.2219 OF 1998

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1. Whether reporters of local papers may be allowed to see the order ?
 2. To be referred to the reporters or not ?
 3. Whether their lordships wish to see the fair copy of the order ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge?
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SMT.TARABA RATANSINH GOHEL

VERSUS

M/S.JAL TARANG TRAVELS

Appearance:

MR DH WAGHELA for Petitioners

None present for Respondents

Coram: S.K. Keshote,J

Date of decision:23/12/1998

C.A.V.ORDER

#. In these Misc. Civil Applications, the notices of respondent No.1 has not been served as the petitioners have not given its complete address. If we go by the averments made in the Misc. Civil Applications, the petitioners are poor persons and they filed the claim applications for compensation for injuries sustained by them in the motor vehicle accident and in case they are asked to get the notices of respondent No.1 published in the newspaper, it will heavily cost them. The notices of respondent No.1 have also not returned back.

#. These Misc. Civil Applications have been filed under Section 24 of the Civil Procedure Code, 1908, for transfer of Motor Accident Claims Petitions pending in the Motor Accident Claims Tribunal, Mirzapur at Ahmedabad to the Motor Accident Claims Tribunal at Rajkot. For last many days, I am seeing that invariably transfer applications are coming before this Court in which prayer is made for transfer of Motor Accident Claim cases from one Tribunal to the Tribunal at Rajkot. It is difficult to understand what incentive or charm the claimants have to get their motor accident claims cases transferred to Rajkot.

#. The learned counsel for the petitioner, in these Misc. Civil Applications states that this Court has taken a view that in case the prayer has been made for transfer of Motor Accident Claims Petition then ordinarily it should have been granted. In support of this contention, he has placed for perusal of this Court, numerous orders passed by this Court from time to time, the details of which are as under:

1. MCA 1138/98
2. MCA 1531/97
3. MCA 1139/97
4. MCA 1945/97
5. MCA 351/96
6. MCA 1207/96

From these orders also I find that almost in all the cases, the motor accident claims petitions have been transferred to Rajkot.

#. On being asked by the Court, the learned counsel for the petitioners has given out that in Rajkot the Courts are expeditiously deciding the motor accident claims cases. The next reason has been given out that in

Rajkot, the District Legal Services Authority is holding regular Lok Adalats and in which also many of the cases of this category are being disposed of. Converse to it, in other District Courts, the motor accident claims cases are not being taken up expeditiously and as a result thereof, expeditious disposal thereof is not there. Secondly, in many of the Districts, regular Lok Adalats are not being held and as such, the motor accident claims case are also not getting expeditious disposal through Lok Adalats also.

#. Though these are the grounds which have been raised by learned counsel for petitioners, but he has not produced any satisfactory material on the record in support thereof. However, even if it is taken to be correct still it is hardly any ground, much less a sufficient ground for transfer of cases from one District to another District. It is true that on the ground of inconvenience to attend cases at a distant place, it is understandable more so in motor accident claims cases, to make such prayer, but that it also not a ground which has to be accepted. Otherwise, there is a possibility of imbalance of pendency of cases in the Districts. If such prayers are being granted then what it will result is that most of the cases will be transferred to Rajkot District and whatever plus points which the judicial courts at Rajkot are having may not be available in near future. However, I have been given out that at Rajkot also thousands of motor accident claims cases are pending in the District Courts and even then how the learned counsel for the petitioners is hopeful that all these petitioners in these cases will get their claim petitions decided expeditiously at Rajkot. If we go by the matters which are being decided in Lok Adalats it is also not that much of the quantum as what the learned counsel for the petitioners is reflecting in the District Rajkot. However, in case the petitioners are desirous of getting their matters decided in Lok Adalats, then they can make a request to the concerned Court and certainly their matters will be placed in the Lok Adalats. It is difficult to accept that in District Court at Ahmedabad where these petitions are pending, regular Lok Adalats are not being held. Unless sufficient number of cases are agreed to be placed in the Lok Adalat, the same cannot be held and for holding the Lok Adalats litigants have to make and declare their intentions before the Court concerned but only on this ground the matters cannot be transferred to other District. So far as expeditious disposal of the matters by one District Court is concerned, the same may not be a good ground for transfer of cases. It is true that such matters should

be given priority in hearing but at the same time while deciding such type of matters due care had to be taken that the new matters may not get priority above old matters. The learned counsel for the petitioners is unable to give out sufficient details in this respect. However, it is difficult to appreciate that the claim applications of the year 1992, 1993 or 1994 are not being decided till date by the Tribunals. Be that as it may, substantial grievance in these matters is only of anxiety of the claimants-petitioners for expeditious disposal of their claim petitioners, either by the Court or by Lok Adalats. Each case has to be decided on its merits. Though I do not find any merits in these Misc. Civil Application and the same are dismissed, it is hereby ordered that the Tribunal where the claim applications of the petitioners are pending shall decide the same within a period of six months from the date of receipt of writ of this order. It is further made clear that if the claimants-petitioners so desire, their cases may be placed in the Lok Adalats which is held in the District. The claimants are of places other than where their cases are pending in the Tribunal and therefore the Tribunal should take care that as and when the claimants come for recording their statements in the case, his/her statement has to be recorded on the very date and deferment of recording of his/her statement should not be made. No order as to costs.

(S.K.Keshote, J.)

(sunil)